

COUNTY ZONING ADMINISTRATOR
MONDAY – MARCH 18, 2013

I. INTRODUCTION

SUKHVINDER SINGH (APPLICANT) & SURJEET KAUR (OWNER) – COUNTY FILE #LP13-2024: The applicant requests approval of a land use permit for a home occupation to allow the administrative portion of a plumbing repair business to be conducted out of a single-family residence located at 1290 Kilcrease Circle in the unincorporated El Sobrante area. (Zoning: Single-Family Residential District, R-7) (General Plan: Single-Family Residential High-Density, SH) (Assessor's Parcel Number: 426-091-012)

II. RECOMMENDATION

Staff recommends that the Zoning Administrator approve County File #LP13-2024, based on the attached findings and subject to the attached conditions of approval.

III. GENERAL INFORMATION

- A. General Plan: Single-Family Residential High-Density (SH).
- B. Zoning: Single-Family Residential District (R-7).
- C. California Environmental Quality Act (CEQA): The proposed project is exempt under CEQA Guidelines §15301 (n): *Conversion of a single family residence to office use*. This application is to approve a home occupation utilizing space within the existing residence.
- D. Lot Creation: The property is a 8,400-square foot lot, identified as Assessor's Parcel Number 426-091-012. The subject site is Lot 35 of the Loma Linda Heights No. 2 Subdivision (Tract 2620).

IV. SITE/AREA DESCRIPTION

The subject site is located at 1290 Kilcrease Circle in the unincorporated El Sobrante area. The single-family residence from which the home occupation will be operated was constructed in 1959 and is approximately 1,637 square feet. The surrounding area consists of detached single-family residences.

V. PROPOSED PROJECT

The applicant is seeking approval of a land use permit for a home occupation to conduct the administrative portion of a plumbing repair business out of a single-family residence. The proposed home occupation will be conducted from within an office, which is less than 25% of the habitable floor area. The home occupation permit is solely for administrative use. Client contact will be by phone, computer, mail, or fax; and any in-person meetings with clients will be held at off-site locations. There will be no exterior indication of the home occupation.

VI. STAFF ANALYSIS & DISCUSSION

- A. Appropriateness of Use: The proposed home occupation is an allowable use within the zoning district upon the granting of a land use permit. The applicant proposes to conduct the administrative portion of a plumbing repair business. There will be no outward appearance of a business. There will not be an increase in traffic and no customers would come to the residence. As proposed, the home occupation conforms to the definition of a home occupation as described in section §82-4.240 of the County Zoning Ordinance.
- B. General Plan/Zoning Compliance: The proposed home occupation will be completely contained within the existing residence; the proposed project is consistent with the Single-Family Residential District and the Single-Family High-Density General Plan Designation.

VII. CONCLUSION

The proposed project complies with the requirements for home occupations. Therefore, staff recommends that the Zoning Administrator approve County File #LP13-2024, based on the attached findings and subject to the attached conditions of approval.

**FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE #LP13-2024;
SUKHVINDER SINGH (APPLICANT) & SURJEET KAUR (OWNER)**

FINDINGS

A. Growth Management Element Performance Standards

1. Traffic: The proposed project will not generate a volume of traffic beyond what is customary for a single-family residence. Therefore, preparation of a traffic report pursuant to the Measure C-1988 requirements is not necessary.
2. Water: The proposed project includes no physical development and would not induce population growth. Implementation of the proposed project will not increase demand for water service.
3. Sanitary Sewer: The proposed project includes no physical development and would not induce population growth. Implementation of the proposed project will not increase demand for sewer service.
4. Fire Protection: The proposed project includes no physical development and would not induce population growth. There would be no increase in demand for fire protection.
5. Public Protection: The Growth Management standard is 155 square feet of Sheriff's station area and support facilities for every 1,000 members of the population. The proposed project includes no physical development and would not increase the population; therefore, it would not impact the County's ability to achieve this standard.
6. Parks and Recreation: The project does not increase the existing population and therefore would not affect parks and recreational facilities.
7. Flood Control and Drainage: The site is not located in a Special Flood Hazard Area and the project includes no physical development that could impact existing drainage facilities or necessitate the construction of new facilities.

B. Land Use Permit Findings

1. Required Finding: The proposed project as conditioned will not be detrimental to the health, safety, and general welfare of the County.

Project Finding: The proposed project is a home occupation to conduct the administrative portion of a plumbing repair business. No merchandise will be stored on-site, nor will customer or delivery traffic be generated as a result of the home occupation. The business will operate within the existing residence and will not require modifications to the subject site. The proposed business would be inconspicuous and the primary use of the site will remain a single-family residence. Therefore, the proposed project will not be detrimental to the health, safety, and general welfare of the County.

2. Required Finding: The proposed project as conditioned will not adversely affect the orderly development of the property within the County.

Project Finding: The proposed project does not include modifications to the subject site, will not generate traffic beyond that which is customary for a single-family residence, and will be undetectable from outside of the residence. For these reasons, the proposed project will not adversely affect the orderly development of the property within the county.

3. Required Finding: The proposed project as conditioned will not adversely affect the preservation of the property values and protection of the tax base within the County.

Project Finding: The activities of the home occupation will be conducted within the existing residence and no modifications to the subject site are proposed. As the home occupation will be innocuous, it will not adversely affect property values and the tax base within the County.

4. Required Finding: The proposed project as conditioned will not adversely affect the policy and goals as set by the General Plan.

Project Finding: The primary use of the subject site will remain single-family residential. The proposed home occupation, as a secondary use, is consistent with the Single-Family Residential High-Density General Plan designation. Therefore, it will not adversely affect the policies and goals as set by the General Plan.

5. Required Finding: The proposed project as conditioned will not create a nuisance and/or enforcement problem within the neighborhood or community.

Project Finding: The primary activities of the proposed home occupation are conducted almost exclusively over the telephone, on a computer, or through mail. The proposed project will be innocuous and clearly will not create a nuisance and/or an enforcement problem within the neighborhood or community.

6. Required Finding: The proposed project as conditioned will not encourage marginal development within the neighborhood.

Project Finding: No physical development is proposed and home occupations are typically compatible with the uses permitted in single-family residential neighborhoods. Nothing in the record suggests that the proposed project could encourage marginal development within the neighborhood.

7. Required Finding: That special conditions or unique characteristics of the subject property and its location or surroundings are established.

Project Finding: The subject property appears capable of complying with County Code § 82-4.240, which regulates the establishment and conduct of home occupations.

CONDITIONS OF APPROVAL

1. ____ Approval is granted for a home occupation permit to conduct the administrative portion of a plumbing repair business based on the application and site plans received by the Department of Conservation and Development, Community Development Division on January 28, 2013.
2. ____ Pursuant to §82-4.420 of the Contra Costa County Zoning Code, an application to conduct a home occupation permit is subject to the following conditions:
 - A. There shall be no merchandise or services for sale except that produced from or made on the premises.
 - B. The use shall not generate vehicular traffic in excess of that normally associated with a single-family residential use.
 - C. Not more than one room or twenty-five percent of the habitable floor area of the principal structure, whichever is greater, shall be used for the home occupation. Garage areas and areas within accessory buildings shall not be considered as being habitable floor area.
 - D. There shall be no exterior indication of the home occupation.
 - E. No exterior signs shall be used.
 - F. No noise, odor, dust, fumes, vibration, smoke, electrical interference, or other interference with the residential use of the adjacent properties shall be created.
 - G. No persons shall be employed, except the applicant, in the conduct of the home occupation.
3. ____ This application is subject to an initial application deposit of \$300.00, which was paid with the application submittal, plus time, and material costs if the application review expenses exceed 100% of the initial deposit. **Any additional costs due must be paid within 60 days of the permit effective date or prior to use of the permit, whichever occurs first.** The applicant may obtain current costs by contacting the project planner. If you owe additional fees, a bill will be sent to you shortly after permit issuance.

ADVISORY NOTES

PLEASE NOTE ADVISORY NOTES ARE ATTACHED TO THE CONDITIONS OF APPROVAL, BUT ARE NOT A PART OF THE CONDITIONS OF APPROVAL. ADVISORY NOTES ARE PROVIDED FOR THE PURPOSE OF INFORMING THE APPLICANT OF ADDITIONAL ORDINANCE AND OTHER LEGAL REQUIREMENTS TO WHICH THIS PROJECT MAY BE SUBJECT.

A. NOTICE OF 90-DAY OPPORTUNITY TO PROTEST FEES, DEDICATIONS, RESERVATIONS, OR OTHER EXACTIONS PERTAINING TO THE APPROVAL OF THIS PERMIT.

This notice is intended to advise the applicant that pursuant to Government Code Section 66000, et seq., the applicant has the opportunity to protest fees, dedications, reservations, and/or exactions required as part of this project approval. The opportunity to protest is limited to a 90-day period after the project is approved.

The ninety (90) day period, in which you may protest the amount of any fee or the imposition of any dedication, reservation, or other exaction required by this approved permit, begins on the date this permit was approved. To be valid, a protest must be in writing pursuant to Government Code Section 66020 and delivered to the Department of Conservation & Development, Community Development Division within 90-days of the approval date of this permit.

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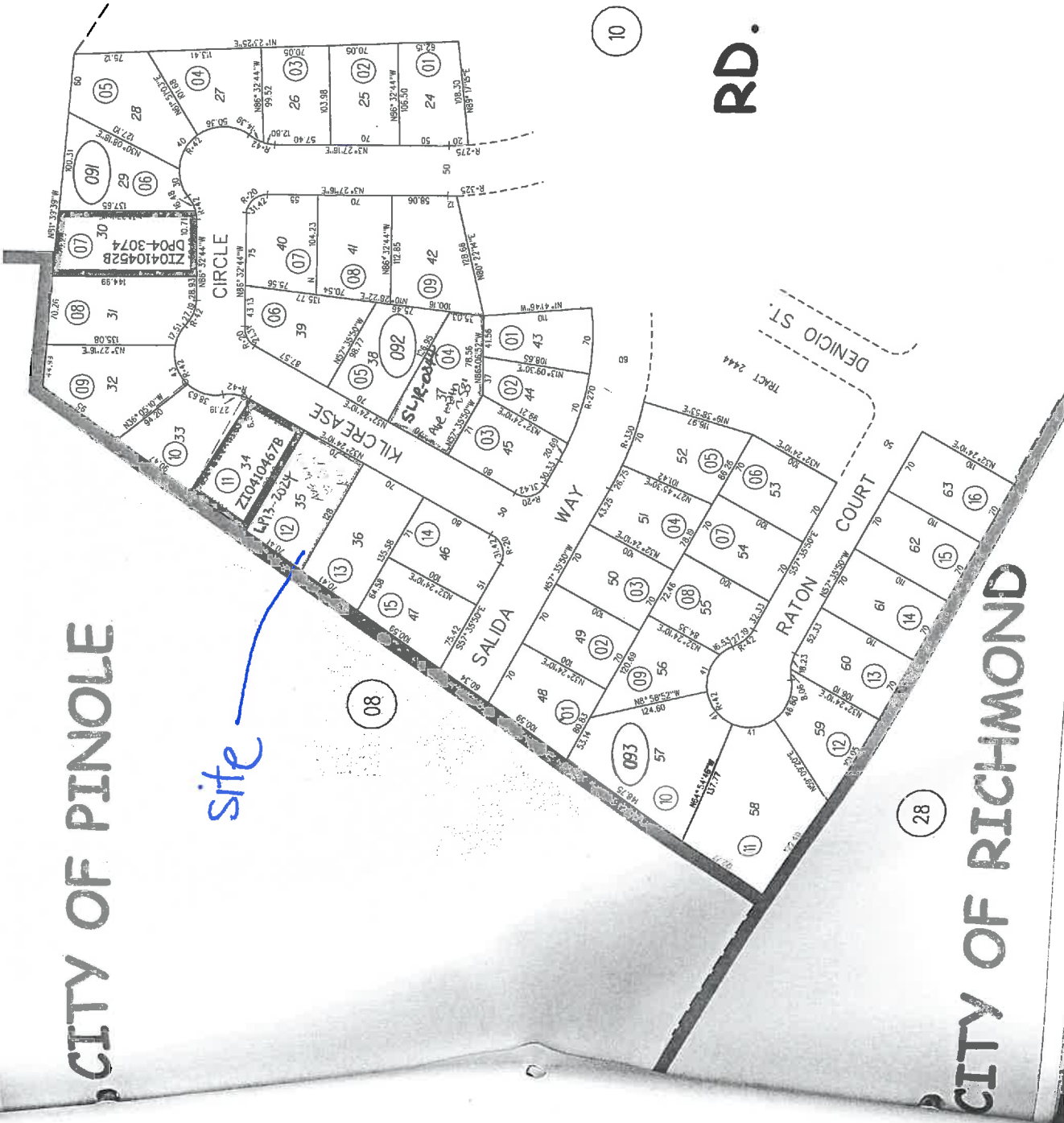
TAX CODE AREA

CT.3630.00
C 0250

1959 ROLL-TRACT 2620 M.B. 70-30
(LOMA LINDA HEIGHTS NO.2)



site



RD. FEES

ZM: 6-6
H-6

R-7

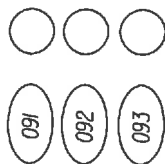
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1961 ROLL

S.F.3-2

ASSESSOR'S MAP

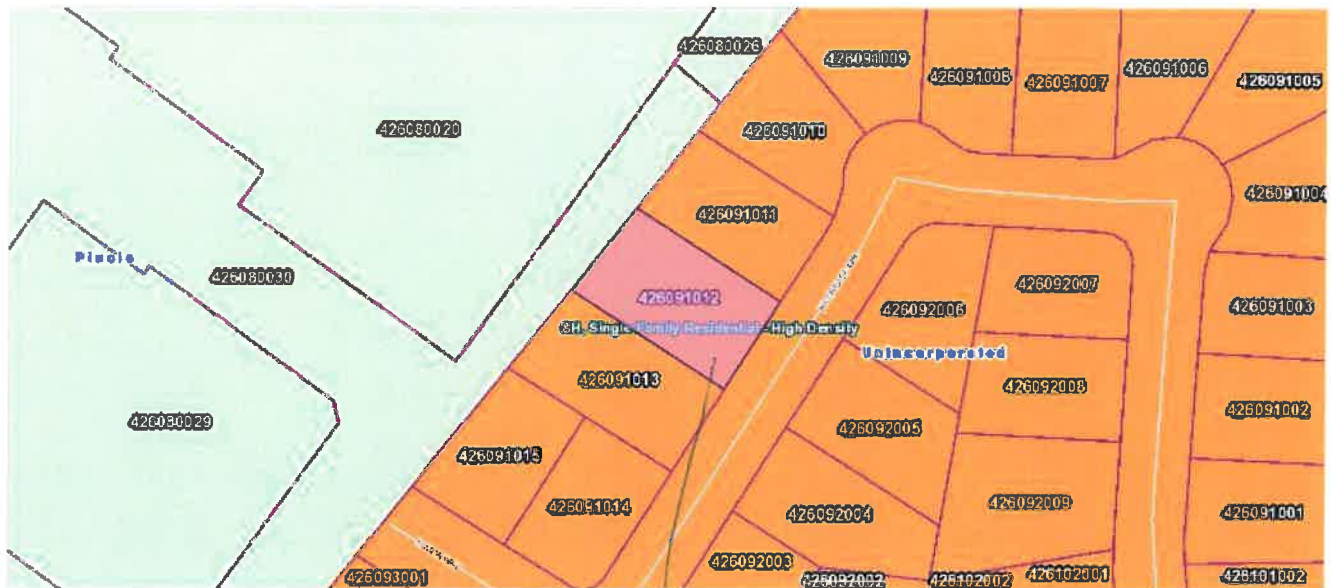
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8-6-58 C.C.C. CONTRA COSTA COUNTY, CALIF.



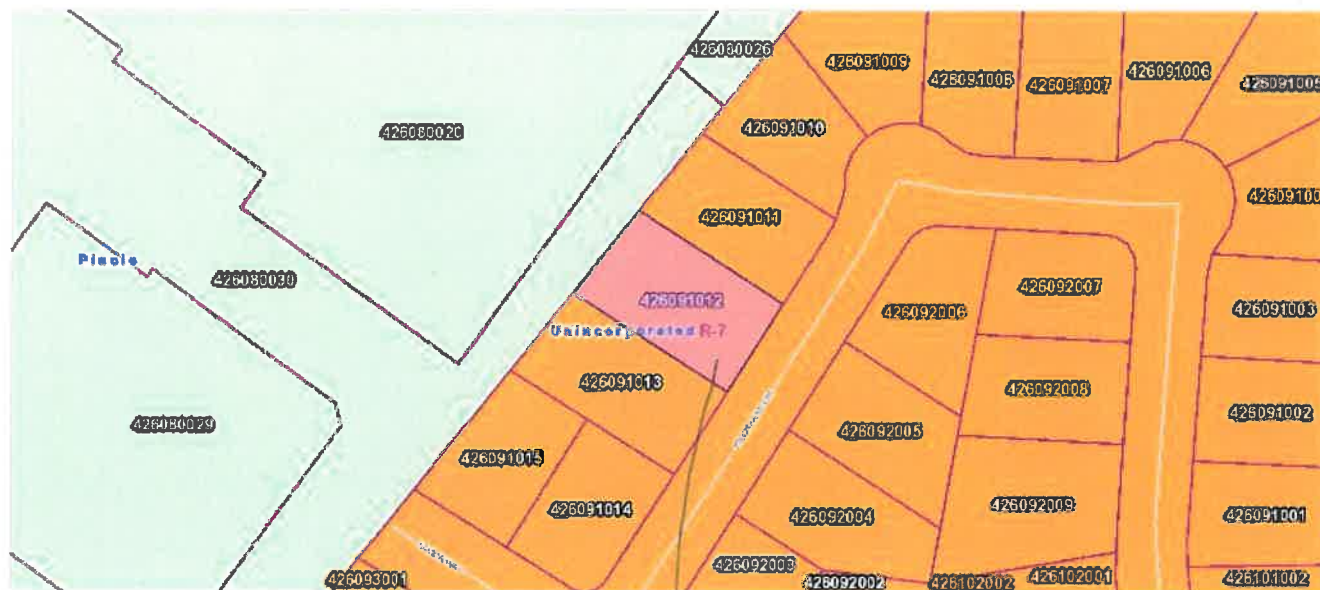
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General Plan: Single-Family High Density



Site

Zoning: R-7



site

Aerial Photo



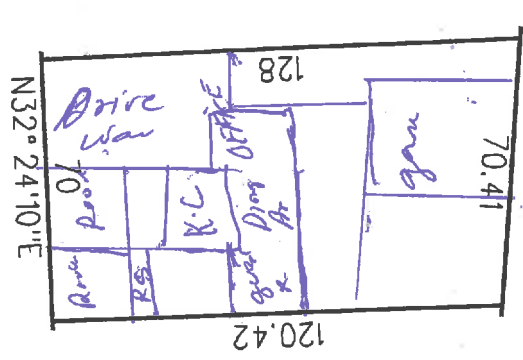
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site

LP 13-2024

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ELSBARTH CO. 94503



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Back ya

1290 KILCREAGH CIRCLE
LA CA 948

ET Substrate CA 94803

Alleg.

Four

Hand-drawn floor plan of a room with dimensions 10' x 12'. The room is divided into three sections. The top section is labeled 'DINING ROOM' and contains a 'TABLE' and 'SEAT'. The bottom-left section is labeled 'OFFICE' and contains a 'CHAIR'. The bottom-right section is labeled 'FURN' and contains a 'CHAIR'. A door is shown on the right wall, and a window is shown on the top wall.

3

new front

12

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Post 12

Room

OFFICE

Four

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